

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

R&B Deptt- Suits – Decretal amount of Rs.10,18,83,040/- towards to deposit in the City Civil Court, Hyd., as per the orders of Hon'ble High Court of AP, dt:10-04-2013 in CMAMPNo.639/2013 in CMANo.273/2013 – Sanction Accorded - Orders – Issued.

TRANSPORT, ROADS AND BUILDINGS (R.IV) DEPARTMENT

G.O.Rt.No. 1239

Dated:02-12-2013.
Read the following:

1. From CE (R&B) CRN & MD, APRDC, Hyd., Lr Nos. 2718/APSH/APSH-II/OPNo.1559/DCE-I/DEE7/2013, Dt:15.05.2013, 16.07.2013,
2. From CE (R&B) CRN & MD, APRDC, Hyd., Lr Nos. 2718/APSH/APSH-II/OPNo.1559/DCE-I/DEE7/ 2013, Dt: 13.08.2013, 30.08.2013 & 03.10.2013.

ORDER:

In his letter 1st read above, the CE (R&B) CRN & MD, APRDC, Hyd., has stated that the Hon'ble High Court of AP, has pronounced judgment on the Caveat Petition filed by the M/s. SOM Dutt Builders Pvt. Ltd., before the High Court of A.P. on the dismissal of O.P.No.1559/2009 filed by the Employer in the City Civil Court, Hyd., for the work of Widening & Strengthening of Thokapally-Nandyal Road (APSH-11 package). The O.P was filed against the Arbitral Award which was in favour of contractor.

2. He has also stated that the orders of Hon'ble High Court are given on the application filed by the Employer for stay orders on the CVC petition filed by the Contractor. Based on the Employer' application, the High Court has passed orders as:

There shall be stay, as prayed for, on condition that the applicant (Employer) deposit 1/3rd of the amount covered by the award, with in the three months from the day of award. On such deposit, it shall be open to the 1st respondent to withdraw the same, without furnishing any security".

3. He has further stated that the Hon'ble High Court has stayed further proceedings pursuant to the order in OPNo.1559/2009 wherein the lower court has upheld the Arbitral award in favour of the Contractor, M/s.Som Datt Builders Ltd, on the condition that the applicant (Employer) deposits 1/3rd of the amount covered by the award as ordered in CMA MP No.639/2013 in CMA 273/2013.

4. He has also stated that as per the Hon'ble High Court orders the applicant (Employer) has to deposit 1/3rd of the amount covered by the award in the City Civil Court of A.P. The 1/3rd amount to be deposited is Rs.9,10,75,380/-.

5. The Chief Engineer (R&B) CRN & MD, APRDC, Hyd., in his letter 2nd read above, has stated that M/s. SDB Infrastructure Pvt. Ltd. vide their Letter Dt:29.07.2013 has represented that the Employer has not assessed properly the award amount along with interest which was passed by the Arbitral Tribunal on 31.03.2009. Based on the representation, the award amount with interest to be deposited in the City Civil Court, Hyderabad up to 30.09.2013 has been checked and arrived the revised award amount with interest as Rs.30,56,49,120/-. Now 1/3rd of award amount with` interest is to be deposited in the City Civil Court, Hyd., is Rs.10,18,83,040/-.

(PTO)

6. The Chief Engineer (R&B) CRN & MD, APRDC, Hyd., has requested the Government to accord sanction the decretal amount of Rs.10,18,83,040/- towards to deposit the same in the City Civil Court, Hyd., for further continuation of proceedings in the Hon'ble High Court in CMAMPNo.639/2013 in CMANo.273/2103, dt:10-04-2013.

7. Government after careful examination of the matter, hereby accord administrative sanction for an amount of Rs.10,18,83,040/- (Rupees ten crores eighteen lakhs eighty three thousand and forty only) as additional towards to deposit the amount in the City Civil Court, Hyd., for further continuation of proceedings in the Hon'ble High Court in CMAMPNo.639/2013 in CMANo.273/2103, dt:10-04-2013.

8. The amount sanctioned in para (7) above, as additional, shall be debited to the Head of Account- 5054-COL-04-District and other roads - MH 800 Other Expenditure -GH 11-Normal state Plan- SH(33)- Corenet work roads -530-Major Works-531- Other Expenditure, Charged.

9. The Chief Engineer (R&B) CRN & MD, APRDC., Hyd., shall draw the amount sanctioned at para (7) above and deposit the City Civil Court, Hyd., in the subject case, under intimation to the Government.

10. The Chief Engineer (R&B) CRN & MD, APRDC., Hyd., is also requested to take action for obtaining supplementary grant at appropriate time during the current financial year 2013-2014 towards recoupment of the advance drawn from Charged as additional.

11. This order issues with the concurrence of Finance Deptt, vide their U.O.No.30122/1221/Expr.pw-II/2013, Dated:29.11.2013.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B. SAM BOB
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Chief Engineer (R&B) CRN & MD, APRDC, Hyderabad.
Copy to:
The Accountant General, A.P, Hyderabad.
The Pay and Account Officer, A.P., Hyderabad.
The Director of Treasuries & Accounts, A.P., Hyderabad.
The Finance (BG.I/Exp.Pw.II) Department.
The PS to Prl.Secy., R&B/OSD to M(R&B).
Sf/Sc.

//FORWARDED BY ORDER//

SECTION OFFICER